

### REMARKS

The Office Action dated August 21, 2003 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 1-6 and 24 are pending in this application and are submitted for consideration.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

Applicants acknowledge and thank the Examiner for indicating that claims 2-4 would be allowable over the prior art if amended to be in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 5, 6 and 24 were rejected under the judicially-created doctrine of obviousness-type double-patenting as being unpatentable over claims 6-9 of U.S. Patent No. 5,964,195. In making this rejection, the Office Action took the position that although the conflicting claims are not identical, the claims are not patentably distinct from each other. Applicants respectfully submit that claims 1, 5, 6 and 24 recite subject matter that is distinct from claims 6-9 of U.S. Patent No. 5,964,195.

However, the Applicants respectfully submit that this rejection is moot in light of the duly executed Terminal Disclaimer submitted herein. Therefore, Applicants request that the rejection be withdrawn.

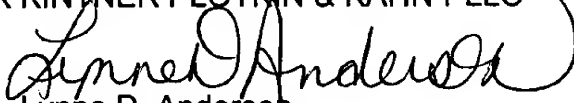
Therefore, Applicants respectfully request withdrawal of the obviousness-type double-patenting rejection of claims 1, 5, 6 and 24.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 1-6 and 24, and the prompt issuance of a Notice of Allowability are respectfully solicited.

If this application is not in condition for allowance, the Examiner is requested to contact the undersigned at the telephone listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-08078.**

Respectfully submitted,  
ARENT FOX KINTNER PLOTKIN & KAHN PLLC

  
Lynne D. Anderson  
Attorney for Applicants  
Registration No. 46,412

Enclosures: Petition for Extension of Time  
Terminal Disclaimer

1050 Connecticut Avenue, NW, Suite 400  
Washington, DC 20036-5339  
Telephone: (202) 857-6000  
LDA/grs